



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

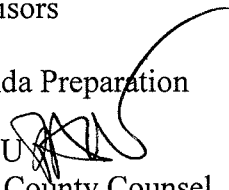
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August 1, 2012

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Judith Gonzalez, et al. v. County of Los Angeles, et al.
Lancaster Superior Court Case No. MC 019 520

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Judith Gonzalez, et al. v. County of Los Angeles, et al., Lancaster Superior Court Case No. MC 019 520, in the amount of \$750,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit seeks compensation for the death of a civil detainee while in custody at the Mira Loma Detention Center.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Judith Gonzalez, et al. v. County of Los Angeles
CASE NUMBER	MC019520
COURT	Lancaster Superior Court
DATE FILED	September 4, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 750,000
ATTORNEY FOR PLAINTIFF	Moreno, Becerra & Casillas
COUNTY COUNSEL ATTORNEY	Gordon Trask
NATURE OF CASE	<p>Plaintiffs, the Estate of Cesar Gonzalez Baez, his heirs, and successors in interest, allege that on December 7, 2007, decedent Cesar Gonzalez Baez died as the result of negligence or indifference of Sheriff's personnel.</p> <p>The Sheriff's Department contends that Mr. Baez died from an unforeseeable accident.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the</p>

amount of \$750,000 is
recommended.

PAID ATTORNEY FEES, TO DATE	\$	191,181
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PAID COSTS, TO DATE	\$	26,858
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Case Name: Judith Gonzalez, et al. v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Wednesday, December 5, 2007; approximately 2:25 p.m.
Briefly provide a description of the incident/event:	<p><u>Judith Gonzalez, et al. v County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2012-004</p> <p>On Wednesday, December 5, 2007, at approximately 2:25 p.m., the decedent, a civil detainee held at the Los Angeles County Sheriff's Department's Mira Loma Detention Facility, was a member of a work crew. He was operating a pneumatic-powered jackhammer when the jackhammer came into contact with a high-voltage underground cable.</p> <p>The decedent was transported to Antelope Valley Medical Center for initial treatment, and subsequently transferred to Los Angeles County/University of Southern California Medical Center where he succumbed to his injuries.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The plaintiff, wife of the decedent, alleged deliberate indifference to the safety and security of her husband and, as a result, has suffered the loss of care, comfort, and society.

2. Briefly describe recommended corrective actions:
(include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)


In conjunction with the State of California Division of Occupational Safety and Health (Cal/OSHA), the Los Angeles County Sheriff's Department implemented a number of new, safety-related policies and procedures/protocols designed to promote safe working conditions. In addition, the Los Angeles County Sheriff's Department enhanced its training curriculum to address the circumstances which occurred in this incident. The new, safety-related policies and procedures/protocols are detailed in the full corrective action plan.

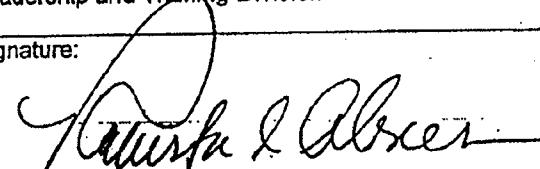
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County of Los Angeles
Summary Corrective Action Plan

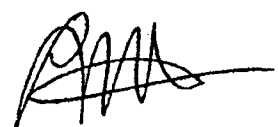
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- ☐ Potentially has Countywide implications.
- ☒ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have Countywide or other department(s) implications.

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 6/25/12

Name: (Department Head)	
Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 6/26/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 7/10/2012

\\Risk Mgt. Inspector General\CAP-SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx